



3-4-08

JRW

## RESPONSE TO THE OFFICE ACTION

Application /Control Number: 10/593,889  
Art Unit: 2837

3/3/2008

1. Your action is requirement of Election/Restriction.

You recognize the claims are classified in following three groups:

Group 1, claims 1-2, 4-5, & 8

Group 2, claim 3

Group 3, claims 6-7.

2. I elect claims in above Group 1 as main or basic invention to be examined. And claims in Group 2 and Group 3 encompass the elected invention.

3. The invention claimed in Group 2 will provide improvement against current metronomes. So, the independent claim has meaning. But, function described in Group 2 is especially important to accomplish the common purpose with Group 1, which is to provide usable metronome for music with moving tempo. The Invention claimed in Group 1 will be more effective with the invention of group 2 for that purpose.

Now, I restrict the range of claim 3 in Group 2 by make it dependent claim to claim 1 as follows to fit in the restriction.

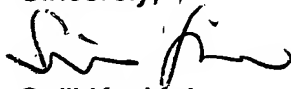
Claim 3 A metronome apparatus claimed in claim 1, further has function to indicate consecutive timing of beats, comprising:

display for showing point of attention, which moves up and down;

wherein downward movement changes to upward movement at the timing of takt.

4. The invention claimed in Group 3 are one of special application of the apparatus of claims in Group 1. This application is made to be possible by the function claimed in Group 1, and is hard to realize without this function. So, I think invention in Group 3 stands on the same inventive concept with Group 1. They are new apparatus and its new usage created from common inventive concept. If this assertion is not acceptable at USPTO, I am ready to re-write the claims in Group 3, so that claims are more clearly dependent to claim 1.

Sincerely,



Seiji Kashioka